



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
9311 GROH ROAD
GROSSE ILE, MI 48138

APR 30 2009

MEMORANDUM

SUBJECT: **ACTION MEMORANDUM** – Request for a Time-Critical Removal Action at the General Industries Site, Elyria, Lorain County, Ohio (Site ID #B5QG)

From: Joseph Fredle, On-Scene Coordinator
Emergency Response Branch 1 – Section 1

To: Richard Karl, Director
Superfund Division

Through: Jason H. El-Zein, Chief *JHE*
Emergency Response Branch 1

I. PURPOSE

The purpose of this Memorandum is to request and document your approval to expend up to \$843,600 in order to conduct a time-critical removal action to stabilize an imminent and substantial threat to public health, welfare, and the environment at the General Industries (GI) Site. The proposed Removal Action is necessary in order to mitigate and stabilize the immediate threat to public health, welfare and the environment posed by asbestos in rubble piles on the Site. The presence of asbestos-containing material (ACM) in the building rubble pile was documented by the Ohio EPA through their sampling efforts in response to the fire at the request of the City of Elyria. The GI Site is located on 154 Olive Street in Elyria, Lorain County, Ohio.

The response action proposed herein will stabilize Site conditions by properly removing and off-site disposal of all readily identifiable ACM as well as identify building rubble potentially contaminated with ACM. This response action will be conducted in accordance with Section 104(a)(1) of the Comprehensive Environmental Response Compensation, and Liability Act (CERCLA), 42 USC '9604(a)(1).

Additional Site activities will include perimeter and work zone air monitoring, and building rubble sampling to determine the full extent of contamination. The fact that the ACM debris is in an uncontrolled area of the city requires that this removal be classified

as a time-critical removal action. There are also 20-40 drums of unknown material that will need to be assessed to determine the presence of hazardous substances. The project will require an estimated 30 on-site working days to complete.

Removal actions that involve asbestos as the principal contaminant of concern have been designated as nationally significant. The removal will follow precedents and protocols set by other asbestos cleanups. The GI Site is not on the National Priorities List (NPL).

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID # OHO XXX XXX XXX

A. Physical Location and Description

The GI Site is located at 154 Olive Street, Elyria, Lorain County, Ohio, 44035. The GI Site encompasses approximately 150,000 square feet and contained a series of interconnected buildings. The buildings were heavily damaged by a fire on July 3, 2008. Approximately 75% of the buildings collapsed due to the fire and material from the fire was spread into the adjacent residential neighborhood. The City of Elyria requested Ohio EPA's assistance in conducting an assessment of the material and Ohio EPA requested U.S. EPA's assistance in conducting a time-critical removal action at the Site once it became evident that the Site owner would be non-responsive.

The geographical coordinates for the Site are: latitude 41°22'20" North and longitude 82°05'08" West. The property is bordered by industrial and commercial businesses to the north, east, and west, and a residential community borders the Site to the south.

B. Site Background

Various manufacturers and companies have used the GI site for the production or storage of manufactured products since the 1920s. The last corporation to operate out of the facility manufactured rubber and plastic products.

According to the Region V Superfund Environmental Justice Analysis, in Ohio the low income percentage is 30% or greater and the minority percentage is 16% or greater. To meet the Environmental Justice (EJ) criteria, the area within one mile of the Site must have a population that's twice the state low income percentage and/or twice the state minority percentage. At the GI Site, the low income percentage is 30% and the minority percentage is 7%. Therefore, this Site does not meet the Region's EJ criteria based on demographics as identified in Region V's "Interim Guidelines for Identifying and Addressing a potential EJ Case", June 1998.

III. THREATS TO PUBLIC HEALTH, WELFARE, OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

The conditions at the GI Site present an imminent and substantial threat to the public health, welfare, and the environment, and meet the criteria for a time-critical removal action provided for in Section 300.415(b)(2) of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), as amended. These factors include, but are not limited to, the following:

1. ***Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants;***

In April 2004, an asbestos survey was performed on one portion of the building (that was not destroyed in the fire) that was scheduled for demolition. The report found that there was ACM material greater than 1% in some of the pipe wrapping and tank insulation. The demolition work did not occur and the asbestos was still in place at the time of the fire.

The Ohio EPA's limited sampling event has confirmed the presence of ACM in rubble piles at the Site. The Site is susceptible to trespass by scrappers and minors, which may lead to a release of ACM threatening human health and the environment. The ACM remains uncontrolled with public access on all sides of the Site. Permanent fencing was in place on the north and east side of the property and temporary fencing was installed on one side of the facility; however, the Site is easily accessible.

Asbestos is the name given to a number of naturally occurring fibrous minerals with high tensile strength, the ability to be woven, and resistance to heat and most chemicals. Because of these properties, asbestos fibers have been used in a wide range of manufactured goods, including roofing shingles, ceiling and floor tiles, paper and cement products, textiles, coatings, and friction products such as automobile clutch, brake, and transmission parts.

Health Effects:

Exposure to airborne friable asbestos may result in a potential health risk because persons breathing the air may breathe in the asbestos fibers. Continued exposure can increase the amount of fibers that remain in the lung. Fibers embedded in lung tissue over time may cause serious lung diseases including: asbestosis, lung cancer, or mesothelioma.

According to the Agency for Toxic Substance and Disease Registry:

Asbestos mainly affects the lungs and the membrane that surrounds the lungs. Breathing high levels of asbestos fibers for a long time may result in scar-like tissue in the lungs and in the pleural membrane (lining) that surrounds the lung. This disease is called asbestosis and is usually found in workers exposed to asbestos, but not in the general public. People with asbestosis have difficulty breathing, often a cough, and in severe cases heart enlargement. Asbestosis is a serious disease and can eventually lead to disability and death.

Breathing lower levels of asbestos may result in changes called plaques in the pleural membranes. Pleural plaques can occur in workers and sometimes in people living in areas with high environmental levels of asbestos. Effects on breathing from pleural plaques alone are not usually serious, but higher exposure can lead to a thickening of the pleural membrane that may restrict breathing.

2. *The availability of other appropriate federal or state response mechanisms to respond to the release;*

Neither Ohio EPA nor any other local government has adequate finances or resources to respond to a time-critical removal action at this site.

IV. ENDANGERMENT DETERMINATION

Given the Site conditions, the nature of the hazardous substances on the Site, and the potential exposure pathways described in Sections II and III above, actual or threatened releases of hazardous substances from this Site, if not addressed by implementing the response actions selected in this Action Memorandum, present an imminent and substantial endangerment to public health, welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

The OSC proposes that the following actions be taken to mitigate threats posed by the presence of hazardous substances at the Site:

- 1) Develop and implement a Site Health and Safety Plan to include a Perimeter air sampling Plan and measures to control ACM during the cleanup;
- 2) Perform extent of contamination investigations to determine what material must be disposed of as ACM debris;
- 3) Excavate, load, transport, and dispose of all readily identifiable ACM debris at an EPA-approved disposal facility in accordance with U.S. EPA's Off-Site Rule (40 CFR ' 300.440);
- 4) Evaluate drums and tanks on Site for contents of hazardous substances, and dispose of any hazardous substances at an EPA-approved disposal facility in accordance with U.S. EPA's Off-Site Rule (40 CFR ' 300.440);
- 5) Stabilize the remaining material to ensure no off-site migration of contaminants;
- 6) Take any necessary response action to address any release or threatened release of a hazardous substance, pollutant, or contaminant that the U.S.

EPA determines may pose an imminent and substantial endangerment to the public health or the environment.

The removal action will be conducted in a manner not inconsistent with the NCP. The OSC has initiated planning for provision of post-removal Site control consistent with the provisions of Section 300.415(l) of the NCP.

The removal activities described in this memorandum will require an estimated 30 on-site working days to complete.

A detailed cleanup contractor cost estimate is presented in Attachment 1 and estimated project costs are summarized below:

REMOVAL PROJECT CEILING ESTIMATE

EXTRAMURAL COSTS:

Regional Removal Allowance Costs:

Total Cleanup Contractor Costs	\$633,000
(This Cost category includes estimates for ERRS, and Subcontractors. Includes a 15% contingency.)	

Other Extramural Costs Not Funded from the Regional Allowance:

Total START, including multiplier costs	<u>\$ 70,000</u>
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Subtotal, Extramural Costs	\$703,000
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Extramural Costs Contingency (20% of Subtotal, Extramural Costs)	\$140,600
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TOTAL REMOVAL ACTION PROJECT CEILING	\$843,600
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The response actions described in this memorandum directly address the actual or threatened release at the GI Site of a hazardous substance, pollutant, or of a contaminant which may pose an imminent and substantial endangerment to public health or welfare or to the environment. These response actions do not impose a burden on affected property disproportionate to the extent to which the property contributes to the conditions being addressed.

Applicable or Relevant and Appropriate Requirements

A letter was sent to the Ohio EPA (Northeast District Office) on January 27, 2009, to request that they identify applicable, relevant and appropriate requirements (ARARs) in regards to asbestos removal. All ARARs of Federal and State law will be complied with to the extent practicable.

All hazardous substances, pollutants or contaminants removed off Site pursuant to this removal action for treatment, storage, and disposal will be treated, stored, or disposed at a facility in compliance, as determined by U.S. EPA, with the U.S. EPA Off-Site Rule, 40 CFR ' 300.440.

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Continued risk to public health, welfare, and the environment will result if no action or delayed action ensues at this Site.

VII. OUTSTANDING POLICY ISSUES

Asbestos is the principal contaminant of concern.

VIII. ENFORCEMENT

For administrative purposes, information concerning the enforcement strategy for this Site is contained in the Enforcement Confidential Addendum.

The total EPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be \$1,431,327.¹

$$(\$843,600 + \$35,000) + (62.91\% \times \$878,600) = \$1,431,327$$

¹ Direct Costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from this estimate will affect the United State's right to cost recovery.

IX. RECOMMENDATION

This decision document represents the selected removal action for the General Industries Site, Elyria, Lorain County, Ohio, developed in accordance with CERCLA as amended, and not inconsistent with the NCP. This decision was based upon the administrative record for the Site (attachment 2). Conditions at the Site meet the NCP Section 300.415(b) criteria for a removal and I recommend your approval of the proposed removal action. The total removal action project ceiling, if approved, will be \$843,600. Of this, an estimated \$773,600 could come from the Regional removal allowance. You may indicate your decision by signing below:

APPROVE: Richard C Kel Date: 4-29-09
Director, Superfund Division

DISAPPROVE: _____ Date: _____
Director, Superfund Division

Enforcement Addendum

Attachments: I. Detailed Cleanup Contractor Cost Estimate
II. Administrative Record Index
III. Independent Government Cost Estimate
IV. Region V EJ Analysis

cc: David Chung, U.S. EPA, 5202-G
Michael Chezik, U.S. Department of the Interior, **w/o Enf. Addendum**
Chris Korleski, Director, Ohio EPA, **w/o Enf. Addendum**
Richard Cordray, Ohio Attorney General, **w/o Enf. Addendum**

ENFORCEMENT ADDENDUM

**GENERAL INDUSTRIES SITE
ELYRIA, LORAIN COUNTY, OHIO**

APRIL 2009

(REDACTED 2 PAGES)

**ENFORCEMENT CONFIDENTIAL
NOT SUBJECT TO DISCOVERY**

ATTACHMENT 1

DETAILED CLEANUP CONTRACTOR COST ESTIMATE GENERAL INDUSTRIES SITE ELYRIA, LORAIN COUNTY, OHIO April 2009

The estimated cleanup contractor costs necessary to complete the removal action at the GI Site are as follows:

Personnel & Equipment	\$127,020
Materials & Misc	\$ 67,800
Transportation and Disposal	<u>\$356,000</u>
TOTAL	\$550,820
Total ERRS w/ 15% contingency (rounded)	\$633,000

ATTACHMENT 2

U.S. ENVIRONMENTAL PROTECTION AGENCY REMEDIAL ACTION

ADMINISTRATIVE RECORD FOR GENERAL INDUSTRIES SITE ELYRIA, LORAIN COUNTY, OHIO

ORIGINAL
MARCH 2009

<u>NO.</u>					<u>DATE</u>
1	04/22/04	Hurst, A.,	Simmons, R.,	Pre-demolition Asbestos	
11		Smalley &	Inno Tech	Inspection for the	
Former		Associates, Inc.	Industries	Inno Tech Industries Facility w/Attachments	
2	07/09/08	Veres, J.,	EA Group	Laboratory Analytical	
13		Ohio EPA		Report	
3	08/13/08	Veres, J.,	EA Group	Laboratory Analytical	
12		Ohio EPA		Report	
4	08/20/08	Veres, J.,	Peshek, J.,	Letter re: Asbestos and	
4		Ohio EPA	B-Vest	Fire Remedial	
Activities			Properties	at the Former General Industries Site	
5	09/09/08	Veres, J.,	Boylan, K.,	E-mail Message re:	
Owner's 1		Ohio EPA	Elyria	Responsibility to	
Maintain			Health	and Remediate the	
General			Dept.	Industries Site in	
Accor-				dance with Federal and State Regulations	
6	09/25/08	Koval, P.,	Durno, M.,	Letter re: Ohio EPA's	
1		Ohio EPA	U.S. EPA	Request for U.S. EPA Assistance in	
Conducting				a Potential Time	
Critical					

				Removal Action at the Former General Site
Industries				
7	01/27/09	Fredle, J.,	Princic, R.,	Letter re: Request for
1		U.S. EPA	Ohio EPA	ARARs for the General Industries Site
8	02/20/09	Princic, R.,	Fredle, J.,	Letter re: Transmittal
of	4	Ohio EPA	U.S. EPA	State and Local ARARs
for				a Potential Time-
Critical				Removal Action at the General Industries Site
9	00/00/00	Fredle, J.,	Karl, R.,	Action Memorandum:
Critical		U.S. EPA	U.S. EPA	Request for a Time
				Removal Action at the General Industries Site (PENDING)

ATTACHMENT 3

INDEPENDENT GOVERNMENT COST ESTIMATE

**GENERAL INDUSTRIES SITE
ELYRIA, LORAIN COUNTY, OHIO**

APRIL 2009

NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION

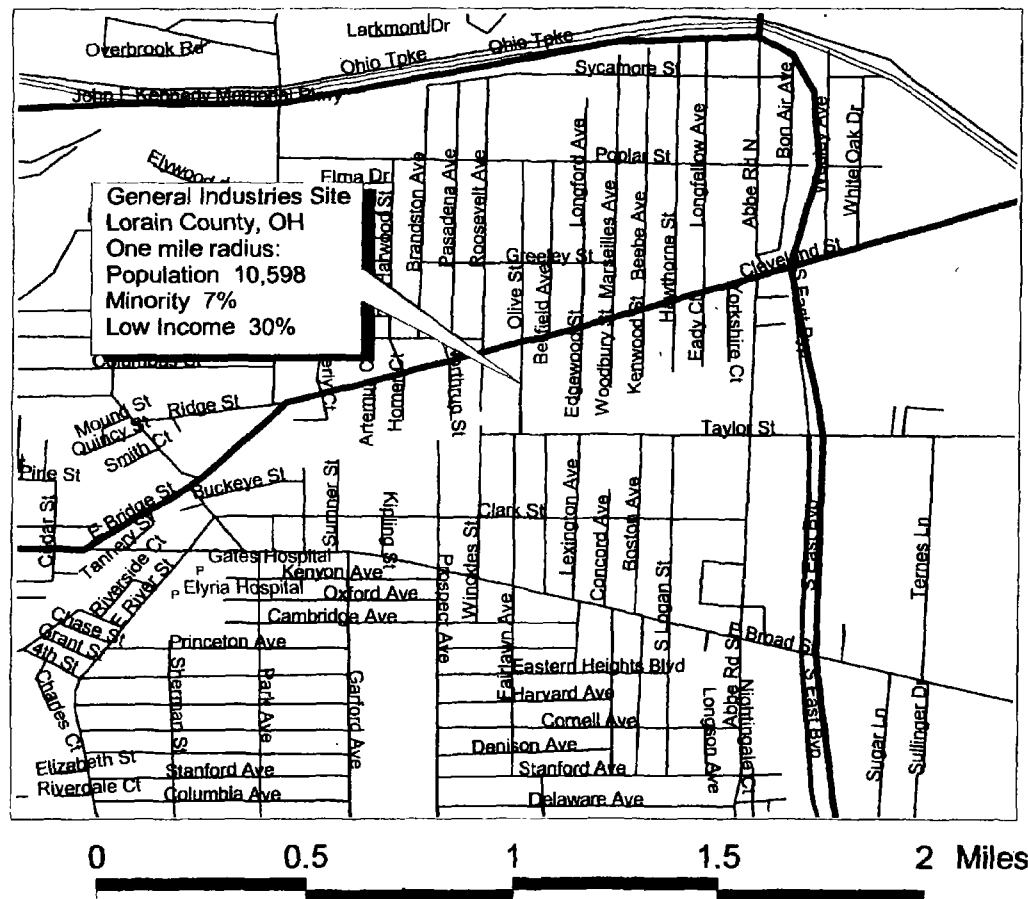
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ATTACHMENT 4

**REGION V EJ ANALYSIS
GENERAL INDUSTRIES SITE
ELYRIA, LORAIN COUNTY, OHIO
April 2009**

Region 5 Superfund EJ Analysis

General Industries Site Elyria, OH



State of Ohio averages:

Minority: 16%

Low Income: 30%

**U.S. EPA Region 5
Environmental Justice Case Criteria
for State of Ohio**

Minority: 32% or greater

Low Income: 60% or greater

Date of Map 11/7/08

Source of Map: Census 2000 Database/
ArcView 3.0